

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                   BOARHEAD FARM AGREEMENT                   CIVIL ACTION NO.  
4                   GROUP,   02-CV-3830  
5   Judge Legrome D.  
6   Davis

7                   Plaintiff,  
8                   vs.

9                   ADVANCED ENVIRONMENTAL TECHNOLOGY                   ORAL DEPOSITION OF:  
10                  CORPORATION; ASHLAND CHEMICAL  
11                  COMPANY; BOARHEAD CORPORATION;  
12                  CARPENTER TECHNOLOGY CORPORATION;  
13                  CROWN METRO, INC.; DIAZ CHEMICAL  
14                  CORPORATION; EMHART INDUSTRIES,  
15                  INC.; ETCHED CIRCUITS, INC.; FCG,  
16                  INC.; GLOBE DISPOSAL COMPANY, INC.;                   JOHN BARSUM  
17                  GLOBE-WASTECH, INC.; HANDY & HARMAN  
18                  TUBE COMPANY, INC.; KNOLL, INC.;  
19                  MERIT METAL PRODUCTS CORPORATION;  
20                  NOVARTIS CORPORATION; NRM INVESTMENT  
21                  COMPANY; PLYMOUTH TUBE COMPANY;  
22                  QUIKLINE DESIGN AND MANUFACTURING  
23                  COMPANY; RAHNS SPECIALTY METALS,  
24                  INC.; ROHM & HAAS COMPANY, SIMON  
25                  WRECKING COMPANY, INC.; TECHALLOY  
26                  COMPANY, INC.; THOMAS & BETTS  
27                  CORPORATION; UNISYS CORPORATION;  
28                  UNITED STATES OF AMERICA  
29                  DEPARTMENT OF NAVY,

30                  Defendants.

31   \* \* \* \* \*

32   Monday, September 8, 2003

33   \* \* \* \* \*

34                  Transcript in the above matter taken at  
35                  the offices of Ballard, Spahr, Andrews & Ingersoll,  
36                  LLP, 1735 Market Street, 42nd Floor, Philadelphia,  
37                  Pennsylvania, commencing at 10:05 a.m.

38                  Certified Shorthand Reporting Services  
39                  Arranged Through  
40                  Mastroianni & Formaroli, Inc.  
41                  709 White Horse Pike  
42                  Audubon, New Jersey 08106  
43                  (856) 546-1100

1 Q. Did you ever go to a company called  
2 Quickline Design to pick up waste?  
3 A. No.  
4 Q. Now, you mentioned Ashland a couple of  
5 times. Where did you go, what Ashland facility did you  
6 go to?  
7 A. Grape Meadows.  
8 Q. New Jersey?  
9 A. Yeah.  
10 Q. Describe for us how you got there.  
11 A. How we came up?  
12 Q. Yeah.  
13 A. 95 to 31, 31 up to 57, 57 to 46, 46 out to  
14 Grape Meadows.  
15 Q. What did that facility look like?  
16 A. Big operation.  
17 Q. Kind of like Diaz, that kind of big?  
18 A. It's -- yeah, it's a bigger operation.  
19 Q. Bigger than Diaz?  
20 A. Oh, I think so, yeah.  
21 Q. How many buildings do you think?  
22 A. Oh, they had several buildings there. I  
23 don't know exactly how many.  
24 Q. What did you go there to pick up?  
25 A. Sulphuric.

1 Q. Bulk?

2 A. Yeah, bulk.

3 Q. How many times did you go to Ashland to pick  
4 up waste?

5 A. Back then I was doing it twice a week, maybe  
6 three times. It was pretty steady there, about two or  
7 three times a week.

8 Q. For what period of time, how many months?

9 A. How many months?

10 Q. Yeah.

11 A. Until things got stopped.

12 Q. Until the end of --

13 A. Until the end.

14 Q. -- of the operation?

15 A. Yeah.

16 Q. The Boarhead operation?

17 A. Yeah.

18 Q. Had it been more or less than a year that  
19 you had been going there?

20 A. Yeah, it was over a year, yeah.

21 Q. Okay. Did anybody there ever tell you what  
22 you were picking up?

23 A. Yeah, I knew it was sulphuric. It's marked,  
24 these tanks were all marked.

25 Q. Okay. Do you know the names of anybody at

1 Ashland?

2 A. No. It was nighttime. Just the guys that  
3 work the shift, the night shift. I don't know them  
4 all. I just go in, tell the guy I'm picking up, that's  
5 it.

6 Q. Did you have to go through a gate?

7 A. No gate, but there was an entry way coming  
8 in off of 57 -- off of 46 I mean.

9 Q. Like a big driveway you mean?

10 A. Yeah, they had their own private road, you  
11 come through about a half a mile in.

12 Q. What did you have to do when you got there?  
13 Did you have to tell somebody you were there?

14 A. Yeah, I'd go tell the guys that were working  
15 where that tank's at, and just tell them I'm here to  
16 pick up.

17 Q. What kind of tank was this, or were there  
18 more than one?

19 A. Yeah, these were big tanks also, steel  
20 tanks.

21 Q. How many?

22 A. Probably four in a row, lined back to back.

23 Q. How big each?

24 A. Twenty, 30,000 each.

25 Q. Are they horizontal -- I mean vertical?

1           A. I don't -- geez, I'm trying to remember.  
2 Some were down on the ground laying horizontal, and  
3 there were a couple verticals, yeah. I'm not sure how  
4 many.

5           Q. How did you get filled?

6           A. They pumped it on.

7           Q. Where did the material from the trips you  
8 made to Ashland go for disposal?

9           A. Philadelphia.

10          Q. Which one?

11          A. Wissinoming.

12          Q. Any of it ever go back to the farm that you  
13 drove?

14          A. I never took any. Maybe one or two, maybe.  
15 I'm not sure though. I could have took one or two  
16 there. But the bulk of it came to Philly.

17          Q. What's causing you to say maybe one or two?

18          A. Because I don't remember -- I remember one  
19 or two possibly that went there because he couldn't  
20 take it to Philly for some reason. So I came out the  
21 farm and took it.

22          Q. And sitting here today, you think that  
23 happened a couple times?

24          A. Yeah, I think it did.

25          Q. When you went back to Boarhead Farms it got

1 dumped back in the hole, the pits?

2 A. No. That went to a tank. That went on that  
3 tank and we tried to neutralize it. Any sulphuric we  
4 tried to neutralize.

5 Q. The tanks you told us about many hours  
6 ago now --

7 A. Yeah.

8 Q. -- that were upright tanks at Fred's place?

9 A. Yeah, that was with the lime to cut it back.

10 Q. And did you personally put it in those  
11 tanks?

12 A. Yeah.

13 Q. By "it", I'm talking about the Ashland  
14 stuff.

15 A. Yeah. But the bulk of it went to Philly,  
16 just that we couldn't get down there that time to  
17 unload it.

18 Q. Did you have to have paperwork when you went  
19 to Ashland?

20 A. Uh-huh.

21 Q. Did you have paperwork with you that you had  
22 to show them?

23 A. Yeah, they gave us a paper, a manifest.

24 Q. All right, you showed up at Ashland --

25 A. I told them who I was.

1 two neutralization tanks, about 30,000 gallons each,  
2 which is the same testimony you had today. But I read  
3 through that and it was unclear to me exactly what  
4 happened to those tanks.

5 I thought in your prior deposition you said  
6 that they had been removed from the farm and taken to  
7 Philadelphia?

8 A. The tanks, yeah, they took it to Wissinoming  
9 then.

10 Q. So those tanks were removed?

11 A. And they were treating the same material  
12 from Diaz there.

13 Q. Do you remember exactly when that happened?

14 A. When what happened?

15 Q. When the tanks were moved from the farm to  
16 Wissinoming.

17 A. I don't know the exact time. There was a  
18 time when he just took over and took that lease there.  
19 Whenever that lease was taken.

20 Q. So you believe it was right at the very  
21 beginning of the use of Wissinoming?

22 A. Well, we had to neutralize it. Yeah, it was  
23 the same procedure.

24 Q. Were those tanks being used out on the farm  
25 right up until the point that they were removed?

1           A. Yeah, that I remember. They were still  
2 being used until they removed it.

3           Q. Also in that prior testimony you said that  
4 Fred had used other sites in Kingwood Township and  
5 Baptistown, and also said there were three or four  
6 other places that he used. And this --

7           A. Well, okay.

8           Q. And the time period is while you were  
9 working with Fred.

10          A. Yeah, he was down on 29 next to Hunterton  
11 Gas.

12          Q. Next to Hunterton Gas?

13          A. Yeah, he had a property there.

14          Q. This Baptistown?

15          A. No, Kingwood.

16          Q. And did you ever go there?

17          A. Yeah, I was there.

18          Q. And you took waste there for him?

19          A. Yeah.

20          Q. Do you know what kind of waste went there?

21          A. It was, I don't know, several different  
22 little outfits that he had. Not everything.

23          Q. This isn't the same time period that the  
24 farm was --

25          A. The farm was operating, then it got shut

1 down is when he got that Kingwood. He was bouncing all  
2 over up there.

3 Q. When the farm was shut down?

4 A. Well, he had pressure from EPA and  
5 everything. He rented or leased that property.

6 Q. Your prior testimony suggests that this was  
7 in the middle '70s?

8 A. It was early '70s, yeah.

9 Q. So this could have been at the same time --

10 A. Yeah.

11 Q. -- that all the other things were going on?

12 A. Yeah, before Philly, everything before  
13 Philadelphia.

14 Q. Okay. Before Philadelphia there also could  
15 have been waste that also went to Kingwood or  
16 Baptistown?

17 A. That's right. Well, I never went too much  
18 to Baptistown, just Kingwood.

19 Q. And that could have been tanker or drum?

20 A. Yeah, I took -- it was drums at Kingwood  
21 that I took, some drums that went to Kingwood.

22 Q. Okay.

23 A. The drums that came from his farm that he  
24 didn't put, that he couldn't put in the pit, the  
25 trench, and then we took it to Kingwood.

1 Q. So there were drums --

2 A. But no drums were buried there, everything  
3 was dumped there.

4 Q. It was dumped in the --

5 A. No, I mean unloaded and went through a hose  
6 and, you know.

7 Q. And this also could have happened with  
8 tanker waste -- or did it happen with tanker waste, do  
9 you know?

10 A. It wasn't that it was hydrochloric -- yeah,  
11 it wasn't no sulphuric that I took there, I'll tell you  
12 that.

13 Q. All right. Just hydrochloric?

14 A. It was the light stuff, like Merit stuff  
15 when he couldn't go up there. It's the time when he  
16 couldn't go through that driveway, they had it blocked.

17 Q. What driveway?

18 A. His driveway was blocked. People came up  
19 with guns shooting at us.

20 Q. Neighbors were not particularly pleased?

21 A. Oh, man, the whole neighborhood. It was a  
22 nice area. Do you know the area, have you seen it?

23 Q. As a matter of fact I have, yes.

24 A. Okay, well, I'm saying we used to come off  
25 from up in Marinestein.

1 Q. That's a pretty drive up the river?

2 A. Come up the hill, yeah.

3 Q. And you actually took a truck up that road?

4 A. Well, you had to be real fast with it coming

5 around the bend, you know, the hard hook.

6 Q. I know what you're talking about.

7 A. Then you know what I'm talking about. If

8 you lose it, you're done. You know, it's a good grade.

9 Q. It's difficult enough with an automatic

10 transmission in a car, right?

11 A. Yeah.

12 Q. How about Frenchtown, did you ever take

13 waste to Frenchtown?

14 A. That's the place I'm talking about,

15 Kingwood.

16 Q. That's the one by --

17 A. That's the one on 21, right there at

18 Hunterton Gas, they were the neighbor.

19 Q. Okay. Did you ever take full tankers from

20 Boarhead to Philly or any one of these other places?

21 You mentioned taking drums, were there also tanker

22 waste --

23 A. Tanker waste came, to Boarhead?

24 Q. -- from Boarhead to one of these other

25 places or to Philadelphia?

1           A. I never took anything out of there from  
2 Boarhead.

3           Q. Except the drums?

4           A. Whatever I brought up went up and stayed  
5 there.

6           Q. I'm a little unclear, because it sounded  
7 before like you had drums that were at Boarhead that  
8 you then took to this other place?

9           A. No, I took it to Jonas. Remember I said I  
10 took some drums down there and we unloaded and we  
11 picked up a tanker.

12          Q. I mean just right now, I thought I heard you  
13 say there were drums at Boarhead that you took to the  
14 Frenchtown facility.

15          A. Oh, yeah, drums that we took that wasn't  
16 dumped at Boarhead went to Frenchtown, yeah.

17          Q. And were there tankers like that or they  
18 just never went to Boarhead, they went directly to  
19 Frenchtown?

20          A. Yeah, he didn't bring it up when he couldn't  
21 get up there, he went to Kingwood there, Frenchtown.

22          Q. And what time period was this, when things  
23 were --

24          A. When things got tight, be about '76, '75.  
25 But I'm just, close as I can remember.

1 Q. Well, I appreciate that. Now, getting back  
2 to the place with the dirt road by Willow Grove Air  
3 Station, which I think you and I are both calling  
4 Plymouth Tube for the moment.

5 A. Yeah.

6 Q. Do you recall what type of tanker you took  
7 down there?

8 A. Yeah, the Quaker City, the iron tanker.

9 Q. An iron tanker?

10 A. Right.

11 Q. So what type of waste would you have picked  
12 up if you recall?

13 A. I don't know what that -- I'm not sure.

14 Q. What type of waste would you normally have  
15 in the iron tanker?

16 A. It could have been hydrochloric or, what I  
17 just said, from Merit.

18 Q. The lighter stuff you're saying?

19 A. Phosphoric. It wasn't no sulphuric.

20 Q. The kind of waste that could have been taken  
21 to Frenchtown?

22 A. Yeah, that could have went, yeah.

23 Q. That could have gone to Frenchtown?

24 A. Yeah.

25 Q. You said you went there on a Saturday?

1 Q. When Mr. Lemon was asking you some  
2 questions, you said there was a time when Fred's  
3 driveway was blocked up at the site and you had to go  
4 to Kingwood?

5 A. Well, they had the township on him, the  
6 police were there.

7 Q. How long did that time period last? Was  
8 that for a day, a week?

9 A. Yeah, it was a week or so. He couldn't  
10 keep -- they were coming in constantly. That's when  
11 they were keeping an eye on everything, checking.

12 Q. All right. So that period lasted a couple  
13 weeks?

14 A. That was a couple weeks, took to it  
15 Kingwood.

16 Q. Did that happen only once, the blocking the  
17 driveway thing, a couple weeks?

18 A. Well, yeah. But I don't know if you know  
19 anything about Lapsley.

20 Q. No, that's okay.

21 MR. HARRIS: I think I'm done.

22 MR. LEMON: One little bit on that least  
23 piece.

24 (EXAMINATION OF MR. BARSUM BY MR. LEMON: )

25 Q. It sounded like you were about to say

1 something more. Were there other times that you  
2 couldn't or didn't go up to Boarhead for some other  
3 reason?

4 A. Yeah, after he had all the pressure on and  
5 the law was after him, that's when he had to go to  
6 Kingwood. So that's when he went to Kingwood is what  
7 I'm saying.

8 Q. So it wasn't just the one time that he went  
9 to Kingwood because of pressures?

10 A. No.

11 Q. There were other times?

12 A. Yeah.

13 (EXAMINATION OF MR. BARSUM BY MR. HARRIS:)

14 Q. How many total times did you personally go  
15 to Kingwood, to dispose of waste that is?

16 A. Half a dozen.

17 MR. HARRIS: Okay. Nothing further.

18

19 (WITNESS EXCUSED)

20 (TESTIMONY CONCLUDED)

21

22

23

24

25